

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED
JAMES BONINI
CLERK

2004 JUN 28 P 5:06

KATHY FOUSE
5268 Inah Court South
Columbus, Ohio 43228-2610

PLAINTIFF,

v.

THE UNITED STATES,
AGENT FOR SERVICE
US Attorney
303 Marconi Boulevard
Columbus, Ohio 42315
DEFENDANT.

CASE NO.

C2,04 556

JUDGE SMITH

MAGISTRATE JUDGE KING

COMPLAINT

(Jury Demand Endorsed Hereon)

JURISDICTION

1. Pursuant to 28 U.S.C. §1331, jurisdiction is proper in this Court as Plaintiff is alleging violations of the Title VII of the Civil Rights Act of 1964, as amended (1991), 42 U.S.C. 2000e, *et seq.* For all other claims, this Court has supplemental jurisdiction under 28 U.S.C. §1367, as the other claims are inextricably tied to the federal claims.
2. All events that give rise to the present cause of action took place within the Southern District of Ohio, Eastern Division.

FACTS

3. Plaintiff, a female African-American was employed by Defendant as a transitional letter carrier at the U.S. Post Office, West Worthington branch in

Columbus, Ohio. On June 24, 2000, Plaintiff was on her delivery route using the Agency supplied motor vehicle. Plaintiff's vehicle struck a stationary pole upon pulling out of an establishment that was a delivery stop for Plaintiff.

4. Plaintiff called the West Worthington station. Ms. Tracy Blackwell, supervisor, answered the telephone. Plaintiff asked to speak to Mr. Jeff Easley, supervisor of Customer Service. Plaintiff stated to Ms. Blackwell that she had a "mishap" with her truck.
5. Plaintiff drove back to the station, went inside and found Blackwell and th two walked out to the truck together. Blackwell sent Plaintiff out to finish her route. Plaintiff returned to find Easley waiting to speak to her. Easley told Plaintiff to write a statement as to what happened. Clock out, and to not return to work until she heard from him.
6. Shortly thereafter, Defendant terminated Plaintiff for allegedly "not reporting an accident."
7. Similarly situated white individuals have had accidents and not reported them and have not been terminated. Defendant is aware of the similarly situated white employee's accidents.

COUNT I: Title VII Race Discrimination.

8. Plaintiff hereby incorporates paragraphs 1 through 25 as if fully restated herein.
9. Plaintiff is Asian, a member of a protected class under Federal law.
10. Plaintiff was treated disparately worse as compared to her non-Asian co-workers.

Plaintiff has stated a cause of action for race discrimination pursuant to 42 U.S.C.

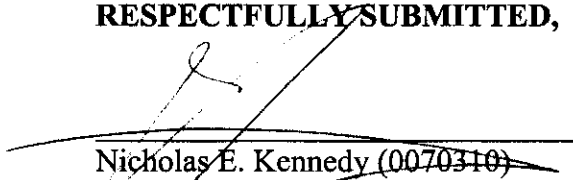
COUNT II: O.R.C. § 4112.02 Race Discrimination.

11. Plaintiff hereby incorporates paragraphs 1 through 40 as if fully restated herein.
12. Plaintiff has stated a cause of action for race discrimination pursuant to the Ohio Revised Code § 4112.02.2000e, *et seq.*

WHEREFORE, Plaintiff, respectfully requests that this Court order the following judgment against the Defendant:

1. Compensatory damages of \$100,000 on each count, including back pay and front pay;
2. Non-economic damages of \$100,000 on each count;
3. Plaintiff's costs, both pre-judgment and post-judgment interest, attorney fees, injunctive relief, and any other relief this Court may find just and equitable.

RESPECTFULLY SUBMITTED,

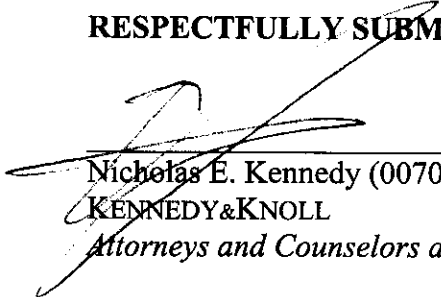


Nicholas E. Kennedy (0070310)
~~KENNEDY & KNOLL~~
Attorneys and Counselors at Law
3040 Riverside Drive, Suite 103
Columbus, Ohio 43221
(614) 488-1161
(614) 488-5003 (facsimile)
Trial Attorney for Plaintiff

JURY DEMAND

Plaintiff hereby demands trial by jury in all matters triable to a jury.

RESPECTFULLY SUBMITTED,



Nicholas E. Kennedy (0070310)

KENNEDY & KNOLL

Attorneys and Counselors at Law